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ONTARIO

LEGISLATIVE ASSEMBLY


SELECT COMMITTEE ON GENERAL RULES AND GUIDELINES FOR THE GUIDANCE OF THE OMBUDSMAN

REPORT

1975

V. SINGER, CHAIRMAN





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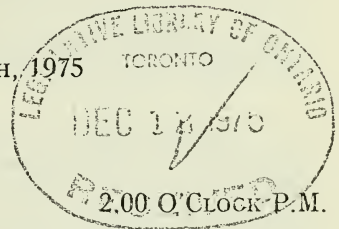
No. 31

VOTES AND PROCEEDINGS

Of the Legislative Assembly of the Province of Ontario

1ST SESSION, 30TH PARLIAMENT

THURSDAY, DECEMBER 11TH, 1975



PRAYERS

In the course of a Statement the Treasurer Tabled six charts on 1976 Expenditure Projections and related letters. (*Sessional Paper No. 37*).

Mr. Speaker addressed the House as follows:—

Before I call for Petitions I wish to make a final statement with respect to the presentations thereof. I can only say that if it is the wish of the majority of the Members of the House to abandon the previous practice that is of course what will be done. The only reason for the procedure as outlined in Mr. Speaker Reuter's ruling was for the assistance of the Members and is the procedure followed in other jurisdictions. I direct the Members attention to *May's Parliamentary Practice*, 18th Edition, Page 799. However, I am sure that the Clerk's Office will be very happy to be relieved of this extra responsibility.

In accordance with the wishes of the House then, Petitions will be received and laid on the Table without prior scanning. This will of course make it necessary for me to examine the Petitions *after* tabling. If on examination it proves to be a Petition or request directed to a Minister, I will, as the Member for Brant-Oxford-Norfolk suggested, send it on to that Minister. If the Petition is in conflict in any way with Standing Orders 83 or 84 it will be returned to the petitioner. If, however, it is a proper

Petition within the Standing Orders and sets forth a case in which the House has jurisdiction to interfere, it will be tabled for such action as the House may determine.

The following Sessional Papers were Tabled:—

Alcoholism and Drug Addiction Research Foundation Annual Report 1973 (No. 38), and for 1974 (No. 39).

Mr. Singer from the Select Committee appointed to consider and set out general rules and guidelines for the guidance of the Ombudsman presented the Committee's Report as follows:—

The Select Committee on Guidelines for the Ombudsman was established on October 29th, 1975, with the following terms of reference:

“to consider and set out general rules and guidelines for the guidance of the Ombudsman.”

The Members of the Committee were Mr. Singer (Chairman) Messrs. Grossman, Lawlor, Hodgson, Norton, Reid (Rainy River) and Renwick.

The Committee has held three meetings. At the request of the Committee, Mr. Arthur Maloney, the Ombudsman, assigned to the Committee, Mr. Ortved, and the Honourable Roy McMurtry, the Attorney General, assigned Mr. John Cavarzan. Both of these gentlemen have been of substantial assistance to the Committee in giving their advice and their continued presence during our deliberations. Mr. Maloney, the Ombudsman, attended on the Committee accompanied by Mr. Brian Goodman, Director of Research for the Ombudsman, and Mr. Maloney outlined his approach to the problems which the Committee was investigating and has made a written submission to the Committee embodying his views, which is attached hereto as Schedule “A”.

Mr. Brian Goodman, Director of Research for the Ombudsman, outlined to the Committee the method the Ombudsman's office has for dealing with complaints. At the request of the Committee this has been submitted to the Committee and for the information of the Members of the Legislature, we attach Mr. Goodman's submission as Schedule “B” to this Report.

It is the opinion of the Committee that:—

1. It would be premature to seek at this time to define or recommend general rules for the guidance of the Ombudsman in the exercise of his function as referred to in Section 16 (1) of *The Ombudsman Act, 1975*. After reviewing other jurisdictions, and exploring, to some extent, the role and function of this office, we are of the opinion that greater on-going experience must be gained as to the range and ramifications of this office on an intimately consultative

basis, before attempting, except insofar as we have done so, a more fundamental delineation of rules. We recommend that the constituted committee working in close co-operation relationship with the Office of the Ombudsman, acquire a working knowledge of the types and varieties of the cases, and difficulties which may be encountered and on a subsequent date, not later than the 15th of June, 1976, the whole question be reviewed.

2. That the following general rules be immediately adopted for the guidance of the Ombudsman:

(a) that there be available in the Ombudsman's office such facilities as are necessary to enable those persons who wish to make complaints and who are unable to express adequately themselves in writing to have their views committed in writing by someone on the Ombudsman's staff.

(b) that the Ombudsman's office have available as part of its staff, or as the occasion requires, sufficient persons who are fluent not only in English but in other languages used in Ontario, which would allow the Ombudsman's office to properly communicate with any resident of Ontario no matter what that person's language facility may be.

3. The Committee wishes to point out that Section 17 (2) of *The Ombudsman Act, 1975*, which provides for letters addressed to the Ombudsman by inmates of any provincial correctional institution or training school or patients in a provincial psychiatric facility are to be forwarded to the Ombudsman unopened by the person in charge of the institution, training school or facility, but neglects to set out that communications from the Ombudsman to any such person should be forwarded unopened to such person by the person for the time being in charge of such institution, training school, or facility. The Committee believes that the necessary legislative amendment to correct this error should be made.

4. The Committee accepts the suggestion by the Ombudsman that it is premature at this time to delineate elaborately general rules and that there should be sufficient experience of running this office and the difficulties it may encounter and that a second look should be addressed to the provisions of Section 16 (1) and that one of the responsibilities of the Select Committee will be to work out in association with the Ombudsman the general rules for his guidance which can be recommended by that Select Committee.

5. The Committee believes that a permanent Committee of the Legislature should be established immediately so that it may review from time to time the following matters:

(a) the Reports of the Ombudsman as they become available from time to time,

(b) the Estimates of the Ombudsman,

- (c) the actions, or the lack of action, taken by those persons referred to in the Ombudsman's Reports,

and report in connection with these matters to the Legislature from time to time.

The Committee draws attention to the comments of the Camp Commission on Page 71 which inter alia recommends very briefly that "a further small, permanent Standing Committee with responsibility for examination and report on:

- (a) those petitions presented to the Assembly which are referred to the committee;
- (b) any undertaking made by a Minister to a Member of the Assembly which is not fulfilled within 10 days of its being made (the announcement in the House by the Member that the undertaking is unfulfilled would be examined by the Speaker who would rule whether or not the question should go to the committee);
- (c) reports to the Legislature by the Ombudsman.

There was a discussion with Mr. Maloney as to how he envisaged the extent of his powers under the provisions of the Statute. He pointed out that the Statute provides in Section 15 (1) that he has the right to initiate investigations on his own option and it is on this basis that he believes that he has a duty to investigate such matters as possible causes of unrest in the province's penal institutions. Several members expressed concern that the broad powers of the Ombudsman would not be used to establish a new level of political authority.

Mr. Maloney suggested that when the Legislature reviewed his reports from time to time if any of the matters raised in the reports came to a vote that they should be dealt with on the basis of a free vote as is done in some other jurisdictions. Discussions took place about this suggestion and it was felt that if the conduct of a Senior government person, elected or appointed, came into question it might be very difficult, if not impossible, to suggest meaningfully that there could be a free vote in relation to criticism addressed to such a person.

SCHEDULE A

MEMORANDUM OF REMARKS DELIVERED BY ARTHUR MALONEY, Q.C., THE OMBUDSMAN, TO A MEETING OF THE SELECT COMMITTEE ON GUIDELINES HELD ON THURSDAY, NOVEMBER 13TH, 1975

At the outset, allow me to express my appreciation for being given the opportunity to appear here before you and provide you with my views as to the sort of recommendations which you might consider making in the line

of guidelines for the Ombudsman, and also so that I might answer any questions which may have occurred to you in the course of your consideration of your mandate.

It is my understanding that the Select Committee On Guidelines For The Ombudsman has been established to make recommendations to the Legislative Assembly in relation to general rules which the Assembly might adopt in accordance with Section 16 of *The Ombudsman Act, 1975*, which provides as follows:

16.—(1) The Assembly may make general rules for the guidance of the Ombudsman in the exercise of his functions under this Act.

(2) All rules made under this Section shall be deemed to be regulations within the meaning of *The Regulations Act*.

(3) Subject to this Act and any rules made under this Section, the Ombudsman may determine his procedures.

As I also understand, the actual motion establishing the Select Committee was proposed on October 29, 1975 on the motion of The Honourable Roy McMurtry, seconded by Mr. Vernon Singer, and provides as follows:

That pursuant to the provisions of Section 16 of *The Ombudsman Act, 1975*, a Select Committee be appointed to consider and set out general rules and guidelines for the guidance of the Ombudsman and to provide formal recommendations to the Legislature thereon on or before December 1, 1975, the said Committee to consist of seven Members as follows: Mr. Singer, Chairman, Messrs. Grossman, Hodgson, Lawlor, Norton, Reid (Rainy River), Renwick.

It is my further understanding that your first meeting was held on November 5, 1975 at which time each member of the Committee had an opportunity to briefly set forth his views in relation to the terms of reference provided for the Committee and the meeting was then adjourned so that both myself and the Attorney General might have an opportunity to appear and provide whatever assistance we can to the Committee's deliberations.

I might say that I have had an opportunity to discuss the minutes of your earlier meeting with my colleague Niels Ortvad whom I requested attend as the representative of the Ombudsman's office and I have had an opportunity to review Mr. Singer's letter dated November 6, 1975 and setting out certain recommendations for regulations for discussion at this meeting. I am anxious to provide you with my thoughts on the sort of recommendations that your Committee might have in mind and I think I can do this by making reference to the suggested recommendations that Mr. Singer sets forth in his letter.

If I could deal first with his suggested recommendations. With respect to recommendation (b), I might say that we are already providing facilities for complaints which come to us verbally to be written down by members of our staff. With respect to recommendation (c), again, we are already ensuring that a citizen may complain to the Ombudsman in whatever

language he chooses to do so and you may be interested to know that I have presently serving on my staff personnell who are representative of and have linguistic capacities in not only English and French, but also Italian, German, Russian, Ukranian, Czech, Slovak, Polish, Estonian, Yiddish and Hebrew. Now I would concur with Mr. Singer that these are areas which are of critical importance to the credibility of an Ombudsman's office and ought, along with other procedural matters, to be embodied in regulations. On the other hand, it is my view that before we embark upon hard and fast regulations we should have a clear picture of exactly what we are trying to accomplish by those regulations and if there is an ill, what the ill is that we want to remedy. Our office is still in an evolving stage and while we are trying to cope with these problems as they arise we do not yet even have a clear picture as to what all the problems will be. For these reasons, it is my position that this Committee ought not to act prematurely and make regulations which, although appearing appropriate at this point in time, might unduly hinder a subsequent Ombudsman, and wait until the areas requiring a regulatory framework are clearly apparent. In my view, the members of the Committee should refrain from acting until the blueprint which I undertook to prepare during the first year that I held this office is completed by which time it is to be hoped the areas requiring a regulatory response will have been delineated and perhaps even actual regulations will be suggested. In view of all of the foregoing, I would urge you therefor to adopt Mr. Singer's recommendation (d). The alternative is to approve regulations piecemeal. As new procedures appear called for I will implement them, document them and before June 1st, can discuss them with you for possible inclusion in a total package of rules and regulations.

If I might move on to his recommendation (e) which suggests that your Committee might recommend that a permanent Standing Committee be established. As you may be aware, also in connection with my commitment that I draw up this blueprint for the office of the Ombudsman that would be best suited to the needs of Ontario, I have recently returned from inspecting offices and meeting with my counterparts and officials of their office in the United Kingdom, France, Germany and Israel. The concept of a Standing Committee is one that I encountered only in England and it impressed me as a novel idea to ensure that some follow-up action was taken as a result of the Ombudsman's report. In England, Niels Orved and myself met with Mr. David Scott, Clerk of the Select Committee on the Parliamentary Commissioner for Administration and Mr. Charles Fletcher-Cooke, Chairman of the same Committee. That Committee is appointed annually to examine the Reports of the Parliamentary Commissioner for Administration which are laid before the House and matters in connection therewith. It is comprised of eight members, four labour, three conservative and one independent, and is invariably chaired by a member of the opposition, currently Mr. Charles Fletcher-Cooke. The Committee is modelled on the Select Committee which receives and considers the report of the Auditor General and in the course of its proceedings will hear from Sir Alan Marre, the Parliamentary Commissioner for Administration, who will highlight the recommendations and criticisms contained in his Reports and then call before them representatives of the various ministries, whether senior civil servants or ministers themselves, to ascertain the action taken as a result of the Parliamentary Commissioner's recommendations. Everyone, including the members of the Committee, the Parliamentary Commissioner for Administration

and the representatives of the various ministries agree that this Committee provides an added measure of effectiveness to the office of the Parliamentary Commissioner for Administration that it might not otherwise have. This is a concept to which I am giving very serious consideration of drawing up my blueprint. One of the problems that I have been considering is with reference to the procedure to be followed, if, as and when a case arose that the Ombudsman is required to invoke his ultimate sanction—namely an appeal to the Legislature. The peculiar problem directed to my attention is as to whether or not, when such a situation arose and it culminates in a vote, should the vote be a free vote and not along party lines. If it were to be a free vote it would, of course, be on the understanding that it would not be regarded as a vote of confidence in the Government.

I should like to address myself to the requirements of Section 12 of the Statutes which require that the Ombudsman shall report annually upon the affairs of his Office to the Speaker of the Assembly. I may say that I regard that as a minimum requirement and it is my intention to file interim reports where I should deem them to be necessary to give effect to the true spirit and intent of the Legislature.

I would like to address myself to Mr. Singer's recommendation A, namely, his recommendation that consideration be given to enacting regulations so as to limit the field of investigations by the Ombudsman.

At the time that I undertook the Office of Ombudsman it was my determination that the persons who receive the first priority in my office would be the hundreds of individual complainants who feel that in some particular way they have been overlooked or mistreated in the course of the functioning of a provincial governmental organization and these individual complainants are the ones that the procedures in my office have been first designated to serve. In a few moments Brian Goodman our Director of Research will detail the procedures currently followed in the Office of the Ombudsman for dealing with such individual complaints. Mr. Goodman's presentation will be attached to mine.

As I debated my decision to assume my present responsibility one of the features of the legislation that appealed to me most and really accounted for my decision was the provision set out in Section 15 (2) which provided me with the opportunity to become involved in problem areas hopefully before they matured and either produced great numbers of complaints or something even worse. As I see it, the power conferred on the Ombudsman to make investigations of his own motion should be utilized in a fashion which will have the effect of diminishing the incidence of complaints.

I was glad to see that importance was attached to this power by some of the Members of the House who contributed to the debate when the Ombudsman Act was under consideration. Mr. Renwick for example in referring to the Ombudsman's right to act on his own motion commented on this provision as being fulsome and complete. Mr. Lawlor contemplated the Ombudsman in what he called "the widest swath and most benign way possible" The Honourable Mr. Clement who was then Attorney General made reference to the Ombudsman's powers in this regard as well.

I rather incline to think one of the problems on your mind is the announcement I made recently to conduct a preliminary investigation into conditions in Provincial penal institutions around the Province. You are all familiar with the brief prepared by the CSAO expressing alarm about certain conditions in the penal institutions. That particular problems may be presented by provincial correctional institutions is a fact that has achieved recognition in *The Ombudsman Act, 1975*, itself in that Section 17 (2) of the Act provides that letters written by inmates of any provincial correctional institution and addressed to the Ombudsman shall be immediately forwarded, unopened, to the Ombudsman by the person for the time being in charge of the institution. In my office, I have created a separate directorate headed by Ellen Adams, with whom I am sure you are all familiar, which will have as its primary responsibility the problems to be found in provincial correctional or psychiatric facilities. I may say that I have delivered a number of speeches on the role of the Ombudsman to various groups and organizations and on all those occasions I was careful to point out how intervention by the Ombudsman in relation to prison problems in particular would have the effect of averting riots and disturbances and thereby save the taxpayer the dollars that are always lost on such occasion not to mention the fact that this intervention might avert the loss of human life. Thus when I pick up the newspaper and read that certain responsible representatives of a respected body such as the CSAO are saying that riots are imminent in correctional facilities throughout the province that conditions are inhumane, overcrowded and totally lacking in discipline and when I have been given the power conferred on me by Section 15 (2) and having some knowledge of the type of problems these institutions might present, it seems to me that I would be derelict in my duty if I were not to initiate whatever action is open to me at least to ascertain the precise nature of the situation. Under Section 15 (1) of the Act the allegations made related to alleged acts and omissions of a governmental organization namely the Ministry of Correctional Services.

Further what I should point out and perhaps something on which I did not place sufficient emphases we are in receipt of complaints from approximately 75 to 100 inmates of provincial penal institutions concerning grievances that relate to overcrowding, sanitation, problems of segregation, lack of privacy, etc. It would be grossly inefficient if the Ombudsman were to initiate 75 separate investigations and would be much more costly than the sort of inquiry I announced would be undertaken. The results of the inquiry that is under way might tend to diminish the incidence of such complaints in the future. What I have undertaken is a preliminary examination as a result of which I hope to be able to say whether or not in my view a further and more extensive investigation is necessary. If I do conclude that a full scale investigation is required, I will make that recommendation to the Ministry of Correctional Service and it is immaterial to me whether the office of the Ombudsman carries out this investigation or it is carried out by the Ministry or by a Commissioner designated by the Ministry. The advantage of utilizing the office of the Ombudsman for such an investigation is that it would be conducted more efficiently and expeditiously not in the glare of the press in a public hearing. If the office of the Ombudsman were asked to undertake the responsibility for such an investigation I would require that additional staff be seconded to the office by the Ministry and at the expense of the Ministry so that the day-to-day

operations of the office would not be interrupted but in the end I would not be concerned if this investigation, if required, were undertaken by someone else altogether. Whether or not I recommended and investigation will depend on a series of reports I will receive next week.

I want to emphasize once again that this power to initiate investigations of my own motion into other than individual grievances is one of the features of the job that most appealed to me in that I see in this function an opportunity to act in a preventative as opposed to a remedial fashion. In connection with this power to initiate investigation you may be interested to know that I have a special desk established in my office which receives the daily papers from around the province and the individual manning that desk is responsible for scanning those papers to ascertain problem areas or potential problem areas in respect of which I might see fit to intervene or investigate of my own motion. It seems that to have it any other way would put me in the position of the Parliamentary Commissioner for Administration in England or the Mediateur in France who not only must act solely on the petition of a complainant but must wait until those complaints are channeled to him via a member of the elected Assembly. This is a feature of the systems in England and France which I did not favour and which in my view drastically delimits the effectiveness of an Ombudsman. I might add that in the course of the past three months I have spoken to a large number of gatherings all over the province totalling well over fifteen thousand people and this power to initiate complaints on my own motion is a power in respect of which I have found nothing but approval.

I may say that as I study the operation of The Ombudsman Act I propose to maintain a record of whatever difficulties, if any, may be encountered with a view to making suggestions to you about possible amendments if these should be required. For example Section 17 (2) of the Act permits inmates of penal institutions or psychiatric facilities to send their letters unopened to the Ombudsman. There is no corresponding provision to deal with letters from the Ombudsman to the inmate. This is a detail that could be corrected by way of future amendment although I am sure in the meantime senior custodial officers under the direction of the Ministry will deliver any correspondence from my office to inmates of these institutions without opening or otherwise inspecting them.

I should explain to you that I have carefully read the debates in Hansard relating to The Ombudsman Act and have derived much help and assistance from the advice thereby given by the Members of the House participating.

I am particularly mindful of the suggestions that were made for example by Mr. Samis, Mr. Renwick relating to the necessity of the Ombudsman travelling to certain points in the province—to various parts of the province so as to make himself realistically accessible to the people he has been appointed to serve.

You will be interested to know that I have laid on a program of public hearings around the province so as to enable individuals or groups of individuals and organizations to appear in a public setting to express their views as to how the newly created office of Ombudsman can best serve

the requirements of their particular area. The first such hearing—the pilot project in the program was in North Bay on November 4th and 5th. The Members of the House who recommended that the Ombudsman travel around in this fashion can surely feel satisfied that they gave me good advice in view of the experience we had in North Bay. The response of the public was excellent, the support of the news media was unreserved and the whole undertaking was a great success confirming the wisdom of my plan to conduct further public hearings around the province. I should say too that in North Bay members of my staff accompanied me and we were able to conduct private hearings and about 95 members of the public in the North Bay area availed themselves of the opportunity to present private grievances to us. These grievances were presented in a confidential setting and saved the individual complainants the inconvenience of writing to us or of coming to Toronto to see us. Similar opportunities to present private grievances will of course be provided at any of the public hearings it is my intention to hold in the future in other parts of the province.

I will now ask Brian Goodman to outline the procedures we are presently following in the Office of the Ombudsman to deal with individual grievances —Mr. Goodman

SCHEDULE B

Presentation by Brian P. Goodman to Select Committee on Guidelines

November 13, 1975

PROCESSING AND DISPOSITION OF COMPLAINTS (OTHER THAN THOSE INVESTIGATED BY THE OMBUDSMAN OF HIS OWN MOTION)

There are three ways by which complaints reach the Ombudsman's office, namely:

- (1) Through a telephone call to the Ombudsman's office made by the complainant or someone on his behalf;
- (2) Through the complainant, or someone on his behalf (including his Member of Provincial Parliament) meeting with a member of the Ombudsman's staff;
- (3) Through a letter received by the Ombudsman's office from the complainant, or someone on his behalf, again including his Member of Provincial Parliament.

(1) COMPLAINTS RECEIVED BY TELEPHONE

Complaints received by telephone are generally fielded by our Director of Interviewers and his staff. In keeping with section 17(1) of the Act, the complainant will be asked by the interviewer whether it is convenient for him to reduce his complaint to writing, and either mail or deliver it to the Ombudsman's office

However, should the telephone interviewer be of the opinion that the complaint relates to an urgent matter, he or she will reduce the complaint to writing for the complainant, and confirm the contents of the complaint by letter to the grievor as soon as possible.

Should the complaint lie outside the jurisdiction conferred upon the Ombudsman by *The Ombudsman Act, 1975*, the complainant will be so advised, including the reasons therefor, and will further be advised of who we think is the proper authority or official to which his complaint should be made.

To accomplish this end, our office is developing a referral system for all levels of government, and private organizations, such as the Law Society of Upper Canada and the Royal College of Physicians and Surgeons.

(2) COMPLAINTS MADE IN PERSON

Should the complainant during the course of his telephone conversation with a member of the Ombudsman's staff indicate that he is unable to make his complaint in writing, he will be asked whether it is convenient for him to attend at one of our office facilities to make his complaint in person to a member of our interviewing staff.

If the complainant is unable to make the complaint in writing because he writes in a language other than English, he will be requested to make the complaint in writing in the language of his choice. Members of our staff are capable of translating some ten languages other than English, including of course French.

If no member of our staff is able to translate the letter, the letter will be sent to a translation service, and of course, in keeping with the Act, an oath of confidentiality will be administered to the translator.

Complainants who attend in person at one of our office facilities are interviewed by a member of our interviewing staff, who again will take down the complaint in writing and have the complainant sign the notes of the interview if possible.

In any case, the contents of the complaint will be reduced to writing in order that no problems may arise in the future with respect to the complainant denying that we had properly taken down his complaint.

Photocopies will be made of all original documents, and the originals returned to the complainant.

Again, if the complaint is not within the jurisdiction of the Ombudsman, the complainant will be so advised and we will attempt to put him in touch with the agency or person who can properly deal with it.

(3) COMPLAINTS BY LETTER

The majority of complaints are made to the Ombudsman's office by letter, as discussed under the previous headings.

Once the complaints have been reduced to writing, the correspondence and documentation are sent to the File Control Officer and her staff.

The letters and documents are read and a synopsis of each complaint is prepared on a complaint file summary, which is inserted in a file jacket.

The jacket is assigned a chronological number, a ministerial suffix code, a regional colour tab, and a priority colour dot. A cross reference index is maintained alphabetically by complainant and numerically by complaint number. The complaint file summary is progressively completed as the file is acted upon by the legal, research and investigative staff, and on resolution of the complaint, the final disposition and recommendation is recorded. If a priority colour dot is affixed to the file jacket, the file is sent immediately to the Legal Officer and his staff.

Should the File Control Officer be of the view that the matter complained of clearly lies within the jurisdiction of the Ombudsman, a letter of acknowledgement will be sent to the complainant and the file returned into the central system. Thus complaints, other than urgent ones, are tended to in the order in which they are received by our office.

If the matter complained of, in the view of the File Control Officer, clearly lies outside of the Ombudsman's authority, or should any question of jurisdiction exist, the file is directed to the Legal Officer and his staff.

The Legal Officer receives the files dealing with complaints which, to the mind of the File Control Officer, are either outside of the Ombudsman's jurisdiction or else where some question of jurisdiction exists.

If the Legal Officer is of the view that the matter complained of lies outside of the Ombudsman's jurisdiction, a letter along the lines previously discussed is sent to the complainant.

If some question of jurisdiction exists in the mind of the Legal Officer, the file would pass to the Director of Research and his staff for appropriate research and consideration.

If, after such research, the Director of Research concluded that the matter was outside the competence of the Ombudsman, he would send out a letter to the complainant as discussed above.

The Legal Officer would also receive all files relating to complaints within the jurisdiction of the Ombudsman. Where research was necessary, the file would be directed to the Director of Research and his staff who would review the file and the appropriate legislation and case law to determine the status of the law and its application to the complainant.

The Legal Officer, in consultation with the Director of Research, would then consider the facts of the case, in light of the legal research for the purpose of providing some guidance to the Director of Investigation in the investigation of the grievance by the Director and his staff.

The Director of Investigation would then supervise the investigation of the complaint by his staff, ensuring that the staff complied with the provisions of the Act in this regard, and that all persons able to give information helpful to an understanding of the complaint and its possible resolution were interviewed and their views canvassed. Before investigating the complaint, of course, the Ombudsman or the staff member so delegated would inform the head of the governmental organization affected of the Ombudsman's intention to make the investigation.

Upon the completion of the investigation, the Director of this branch would then submit a report containing the results of his investigation to the Ombudsman, who with the assistance and advice of the Legal Officer, the Director of Research and the Director of Investigation, would review the file with the view to determining what the disposition of the complaint should be, including whether any recommendation should be made to the governmental organization complained of.

Assuming the complaint was found to be valid, the Ombudsman would report his opinion and his reasons therefor to the appropriate governmental organization and Minister, including any recommendations which he saw fit to make. The Ombudsman would also inform the complainant of the result of his investigation, pursuant to section 23 of the Act.

Assuming recommendations were made by the Ombudsman, if within a reasonable time after the report was made no action was taken which seemed to the Ombudsman to be adequate and appropriate, the Ombudsman would, after considering the comments, if any, made by or on behalf of the governmental organization affected, send a copy of the report and recommendations to the Premier.

Should it still appear that no appropriate or adequate action is taken, the Ombudsman could exercise his discretion and make a report on the complaint and his recommendations to the Assembly.

Important elements of each closed complaint file will be extracted for a complaint data bank from which regular, periodic reports will be issued to the Ombudsman in preparation for his annual report to the Speaker of the Assembly, and any interim reports which the Ombudsman chooses to make. The data bank will also be used in conducting special analyses on complaint profiles.

A Petition was received from the Member for Timiskaming.

Answers were Tabled to Questions Nos. 15, 16 and 17 (*See Hansard*).

The House resolved itself into a Committee to consider a certain Bill

THE EVENING SITTING

8.00 O'CLOCK P.M.

and, after some time Mr. Speaker resumed the Chair, and the Chairman reported, progress on Bill 20, An Act to provide for the Review of Rents in respect of Residential Premises.

The House then adjourned at 10.50 p.m.

RUSSELL D. ROWE,
Speaker.



